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| Notice of Allowability | Application No. | Applicant(s) | |
| | 09/574,472 | CLARK, ALAN DOUGLAS | |
| | Examiner | Art Unit | |
| | Shuwang Liu | 2634 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 10/04/04.
2. ☒ The allowed claim(s) is/are 1-13.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____ 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Dale Lischer on December 13, 2004.

The application has been amended as follows:

(A) claims:

(1) In claim 1, line 6, insert - -, creating a set of values for said impairment factor, - - after "factor";

(2) In claim 1, line 7, change "that" to - -of- -;

(3) In claim 1, line 8, delete "has" and insert - - to create an estimated effect- - after "signal";

(4) In claim 4, line 3, insert - -determined at a present interval- - after "quality";

(5) In claim 4, line 4, insert - -determined during at least one preceding interval- - after "quality";

(6) In claim 5, line 3, insert - -determined at a present interval- - after "quality";

(7) In claim 5, line 4, insert - -determined during at least one preceding interval- - after "quality";

(8) In claim 6, line 5, change "the value" to - -a value- -;

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(9) In claim 6, line 6, insert - -at each of said monitoring intervals, - - after
"reference and"

(10) In claim 6, line 6, insert - -of said at least one impairment factor- - after
"values";

(11) In claim 6, line 7, insert - -said- - before "time" and change "references" to
- - reference- -;

(12) In claim 9, line 3, insert - -determined at a present interval- - after "quality";

(13) In claim 9, line 4, insert - -determined during at least one preceding interval-
- after "quality";

(14) In claim 10, line 3, insert - -determined at a present interval- - after "quality";

(15) In claim 10, line 4, insert - -determined during at least one preceding
interval- - after "quality";

(16) In claim 11, line 4, insert - -, creating a set of values for said impairment
factor, - - after "factor";

(17) In claim 11, line 5, change "that" to - -of- -;

(18) In claim 11, line 6, delete "has" and insert - - to create an estimated effect- -
after "signal"; and

(19) In claim 13, line 2, change "said" to - -a- -.

(B) drawings:

In figure 5, insert the descriptive labels ("YES" and "NO") for box 44 shown in red
ink in the attached sheets of drawing.

Allowable Subject Matter

2. Claims 1-13 are allowed.

3. The following is an examiner's statement of reasons for allowance: the prior art fails to teach and suggest a method for automatically estimating the subjective quality of a signal carrier over a transmission path and presented at a user interface, comprising reducing the value of a counter if the estimated subjective quality is below the value of the counter or increasing the value of the counter if the estimated subjective quality is above the value of the counter.

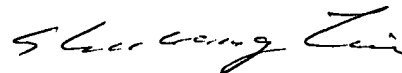
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shuwang Liu whose telephone number is 571 272-3036. The examiner can normally be reached on M-F, 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 571 272-3056. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Shuwang Liu
Primary Examiner
Art Unit 2634

December 15, 2004